

APR 20 2016

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JEFFREY E. WHITEBEY,	)	CASE NO. 7:16CV00116
	)	
Petitioner,	)	
v.	)	FINAL ORDER
	)	
COMMONWEALTH OF VA.,	)	By: Hon. Glen E Conrad
	)	Chief United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 20<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Chief United States District Judge